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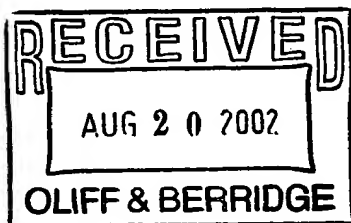
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,274	01/19/2000	Kristinn R. Rzepkowski	104425	2964

7590

08/14/2002

Oliff & Berridge PLC  
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Alexandria, VA 22320



EXAMINER

BAUTISTA, XIOMARA L

ART UNIT PAPER NUMBER

2173

DATE MAILED: 08/14/2002

**REJECTION**

Please find below and/or attached an Office communication concerning this application or proceeding.

DUE DATE

NOV 14 2002

**DOCKETED**

By Jmm on 8/20 2002

By mpj and 8/20 2002

Oliff & Berridge

**Office Action Summary**

Application No.

09/487,274

Applicant(s)

RZEPKOWSKI ET AL

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 1/19/00 & 2/24/00.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings/Specification***

1. Applicant is required to review the specification carefully and make corrections regarding drawings and their descriptions. For instance, figure 6 has two labels (number) 430 for different elements (see last page of Office Action); in the specification, page 19, line 26, element 482 is called review mimic but, in page 13, line 9, and page 19, line 21, element 482 is called preview mimic; and the description for element 488 was not found. Corrections are required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-6, 9, 11, 14, 16-22, 25, 27, 30, and 32-39 are rejected under 35 U.S.C. 102(e) as being anticipated by *Arney et al* (US 6,298,172 B1).

Claims 1 and 17:

Arney discloses a method for performing image-acquisition with preview of image (abstract; col. 1, lines 10-14; col. 2, lines 13-34), having a display device (fig. 1B), a graphical user interface (figs. 2A-2I), and a controller that provides control parameters to the image capture device (col. 4, lines 36-45; col. 6, lines 9-13; col. 7, lines 10-19, 54-56; col. 8, lines 14-16). A preview display screen 10 is provided so the user can determine whether the workpiece is positioned in the desired orientation, shifts upon closing the cover 56 (col. 4, lines 46-49, 57-59), for anticipating output related to the selection of control features, for example, brightness, contrast, or focus control (col. 5, lines 18-21).

Claims 2, 4, 18, and 20:

Arney teaches a frame image 14 (figs. 1B, 2A-2I) that indicates the area of the platen bounding the image to be transferred, that is, delineates area P. The image-processing system may form a frame-image for indicating the portion of the platen bounding the image to be transferred so a user may determine whether a workpiece is placed in a desired orientation before operating the apparatus (abstract; col. 2, lines 26-30; col. 5, lines 15-29).

Claims 3 and 19:

See claim 2. Arney teaches a preview display screen 10 that instructs the user that the workpiece is not properly oriented, and a frame-image 14 instructs that the

paper's orientation should be changed (col. 7, lines 34-46). In figs. 2D and 2E, the platen-select area P is reduced as compared with the situation reflected by figs. 2A-2C; the frame-image 14 has been reduced to correspond to the smaller platen-select area. The display screen (figs. 2D and 2E) 10 instructs the user that edge portions 65a, 65b, 65c (fig. 2D), and edge portions 66a, 66b, 66c, and 66d (fig. 2E) (shown with cross-hatching) will not be situated within the platen-select area and will not be copied to the article 80 (col. 7, lines 54-66).

Claims 5, 21, 34, 36, and 38:

See claim 3. In fig. 2D, the frame-image 14 instructs the user that the workpiece is left aligned and vertically-centered. If these parameters do not conform to the user's expectations, the user can adjust the demagnification or edge erase functions accordingly before operating the apparatus (col. 7, lines 60-67; col. 8, lines 1-4).

Claims 6, 22, 35, 37, and 39:

See claim 5. Arney teaches that the image-processing system 30 is responsive to the control settings so that the platen-image including the boundaries of the frame-image 14 will adjust with changes in control panel settings. The user may see, for example, how progressively changing the magnification will affect the area P of the platen (and thus of the workpiece) which is imaged; how much of the edge of a workpiece will be lost when the edge removal option is chosen, etc. (col. 5, lines 30-46).

Claims 9, 11, 25, and 27:

See claim 6. Arney teaches that the image-processing system 30 forms the

platen-image on the display screen 10 in real-time characteristics (col. 4, lines 61-67; col. 5, lines 1-14; col. 5, lines 55-57, 60-64).

Claims 14, 16, 30, 32, and 33:

See claim 1. Arney teaches that the preview screen allows the user to determine whether the workpiece is positioned in the desired orientation prior to operating the apparatus (col. 4, lines 46-49), and it provides an image orientation mimic to visually indicate the orientation of the captured image relative to an original image (col. 5, lines 21-26; col. 7, lines 34-38; col. 9, lines 1-18; figs. 2A-2F).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 7, 8, 10, 12, 13, 23, 24, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arney in view of Chiarabini et al (US 5,963,216).**

Claims 7, 12, 13, 23, 28, and 29:

Arney teaches a preview display screen and a frame-image 14 that instructs the user when a workpiece is not well aligned or centered. If the parameters do not conform to the user's expectations, the user can adjust the demagnification or edge erase functions accordingly before operating the apparatus (col. 7, lines 66-67; col. 8,

lines 1-4). Arney does not teach a portion that is usable to define dimensions to which the captured image is to be scaled. However, Chiarabini discloses a method for providing a print preview of a print job. Chiarabini teaches a scaling options dialog box 220 that the user may use to select a scaling method from settings box 221 (col. 1, lines 49-54; col. 6, lines 50-67). The scaling is done by the printer driver internally or in conjunction with a graphic-device interface. The scaling uses an integer scale factor and a non-integer scale factor. Chiarabini teaches that the dimensions are determined based on the dimensions defined in the selection portion and the defined scale-to-parameter factor (col. 7, lines 18-20, 59-67; col. 8, lines 1-4, 12-27, 36-51, 59-67). Chiarabini teaches that the user may scale to a standard page size, scale to a custom paper size or scale with a designating scaling factor. When electing to scale to a custom paper size, the user can specify a length of the print media, and a height of the print media (col. 6, lines 58-66). Before accepting new scaling parameters, and if the user has selected "Fit to custom size" in box 221, printer driver 203 will check the source paper size and the destination paper sizes (col. 7, lines 6-10). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to include Chiarabini's portion for defining scale parameters in Arney's preview screen display because, it provides the user with (scale-up or scale-down) appropriate and accurate scaling.

Claims 8 and 24:

See claim 7. Arney teaches that the preview feature enables the user to view

anticipated output from the apparatus before the apparatus is activated so adjustments may be made (col. 1, lines 10-14, 40-45; col. 4, lines 36-45; col. 5, lines 30-36, 55-57; col. 6, lines 9-14; col. 8, lines 1-4; col. 10, lines 19-25).

Claims 10 and 26:

See claims 7 and 9. Arney teaches that the system includes appropriate software, firmware, or hardware for processing or manipulating images, and transferring the images to the preview display screen (col. 8, lines 63-67; col. 9, 41-58).

**3. Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arney in view of Pavley et al (US 6,317,141 B1).**

Claims 15 and 31:

Arney does not teach an image quality profile mimic however, Pavley discloses a method for editing media objects in a digital imaging device including icons that are used to indicate a media type (abstract; col. 6, lines 50-55). Pavley teaches a review mode screen having object cells 300 that represent media objects; each object cell includes an image area 304 and an icon/information 306 that displays one or more graphical icons indicating to the user what media type is associated with the media object displayed in the image area (col. 7, lines 38-67; col. 8, lines 1-6; figs. 4A, 6-8). Thus, it would have been obvious to one having ordinary skill in the art at the time of invention to include Pavley's thumbnails in Arney's preview display screen because they provide information at a glance and graphically indicate a selection.



**Conclusion**

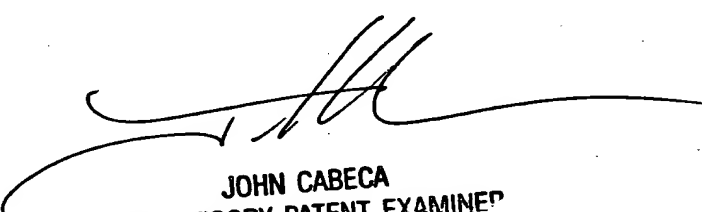
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



August 1, 2002



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